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NORTH HERTFORDSHIRE DISTRICT COUNCIL

LICENSING SUB-COMMITTEE

**MEETING HELD IN THE A REMOTE MEETING
ON FRIDAY, 8TH APRIL, 2022 AT 10.00 AM**

MINUTES

Present: *Councillors: Simon Bloxham, Elizabeth Dennis-Harburg, Jean Green (Reserve Member) and Mike Rice*

In Attendance: *Jasmine Jennings (Licensing Officer) Nurainatta Katevu (Legal Advisor) William Edwards (Committee, Member and Scrutiny Manager) and Louis Mutter (Committee, Member and Scrutiny Officer)*

Also Present: *At the commencement of the meeting approximately 6 members of the public, including registered speakers.*

7 ELECTION OF CHAIR

RESOLVED: That Councillor Elizabeth Dennis-Harburg would Chair this Licensing Sub-Committee Meeting.

8 HEARING PROCEDURE

The Chair welcomed Members, Officers and Other Persons to the hearing.

The Sub-Committee noted the hearing procedure.

9 DETERMINATION OF APPLICATION

The Licensing Officer presented the report entitled Determination of Application in Respect of Chez Burton, 48 High Street, Baldock, SG7 6BJ.

The report, together with verbal submissions and questions from the Applicant and Other Persons, as well as advice from Legal Advisors were considered.

The report of the Licensing Officer was noted.

10 DECISION NOTICE

The agreed decision notice is attached.

The meeting closed at 12:27 pm

Chair

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Date of Hearing	Friday 8 April 2022
Members of Panel	Councillors S. Bloxham, E. Dennis-Harburg (Chair), J. Green (Reserve Member), and M. Rice
Licence Holder	Neill Burton
Premises Address	Chez Burton 48 High Street, Baldock, Hertfordshire, SG7 6BJ
Date of Application	3 February 2022
DECISION	<p>This is an application for a variation of an existing premises licence under Section 34 of the Licensing Act 2003.</p> <p>The Sub-Committee has read the material presented to it and has listened to all the evidence and submissions. The Sub-Committee has considered the National Guidance and the Statement of Licensing Policy and has come to the following decision:</p> <p>The Sub-Committee has decided to grant the application as applied for and the outdoor area now forms part of the licence plan attached to the licence.</p>
LICENSABLE ACTIVITIES AND TIMINGS	The licensable activities, timings and conditions on the existing premises licence remained unchanged.
OPERATING SCHEDULE CONDITIONS	<p>The following operating schedule conditions were offered as part of the application therefore will be included within the licence:</p> <ul style="list-style-type: none"> • The premises licence holder will ensure that the outdoor area is not used by patrons after 22:00hrs and that it will be cleared of patrons by that time. • The premises licence holder will ensure that there is a separate, unimpeded access to Flat 1D that will not form part of the outdoor area used under the premises licence.
CONDITIONS DEEMED APPROPRIATE FOR THE PROMOTION OF THE LICENSING OBJECTIVES	<p>The Sub-Committee recognises that conditions will <u>only</u> be imposed on a licence where conditions are appropriate for the promotion of one of the four licensing objectives. The Sub-Committee will only impose conditions on a licence where relevant representations have been made and it considers that it is appropriate to impose conditions as a result of these representations.</p> <p>The following conditions are each considered appropriate by the</p>

	<p>Sub-Committee to promote the licensing objective of Prevention of Public Nuisance:</p> <p>The condition(s) are:</p> <ul style="list-style-type: none"> • The premises licence holder will ensure that the outdoor area is not used by patrons after 22:00hrs and that it will be cleared of patrons by that time. • The premises licence holder will ensure that there is a separate, unimpeded access to Flat 1D that will not form part of the outdoor area used under the premises licence.
<p>EFFECT OF FAILING TO COMPLY WITH CONDITIONS</p>	<p>The effect of failure to comply with any of the conditions attached to the licence or certificate is a criminal offence, which upon conviction, could result in an unlimited fine or up to six months imprisonment or both.</p>
<p>STATUTORY GUIDANCE CONSIDERATIONS</p>	<p>The Sub-Committee has taken into account the Guidance issued under Section 182 of the Licensing Act 2003 (April 2018 version) in reaching its decision. It has found the following sections to be of particular relevance in reaching this decision:</p> <p>Sections 1.3, 1.4, 1.5, 1.17, 2.15, 2.16, 2.18, 8.42, 8.44, 8.47, 9.42, 9.43, 9.44,10.8, 10.9, 10.10...</p>
<p>LICENSING POLICY CONSIDERATIONS</p>	<p>The Sub-Committee has taken into account the North Hertfordshire District Council’s Statement of Licensing Policy in reaching its decision. They have found the following sections to be of particular relevance in reaching this decision.</p> <p>Sections B6, B7, B9, D1.4, D2.1, D2.4, D2.8, D2.9, D3.3, D3.4, D6.2, D6.3, D6.8, D6.9, E3.1.1, E3.3.1, E3.9.3, F4.1, F4.3, O1.1, O2.2, O4.7.1, O4.7.2...</p>
<p>RATIONALE FOR DECISION</p>	<p>1. The Sub-Committee were mindful of the Council’s Statement of Licensing Policy, and in particular paragraph B9 which states that <i>“in making a balanced decision, the Council accepts that those living in town centre environments are likely to experience a degree of disturbance associated with a vibrant night-time economy but this must be managed in such a way to limit its impact beyond that which is reasonable”</i>, however the Sub-Committee were encouraged by the fact that the Applicant had engaged in early discussions with the responsible authorities in advance of the hearing, and had agreed to additional conditions which satisfied them that the licence was capable of operating without putting the four licensing objectives at risk.</p>

	<p>2. However, having listened to all of the representations made during the course of the hearing, it was apparent to the Sub-Committee that the main concern expressed by the objectors was around the later end of the hours during which licensable activities could take place. It was therefore felt appropriate in order to promote the licensing objectives, particularly the prevention of crime and disorder and the prevention of public nuisance, that the hours should be reduced as outline above in relation to the outdoor area.</p> <p>3. On the matter of noise, the Sub-Committee were also mindful of the possibility of disturbance being caused by persons using the outdoor area. As the surrounding area is a high street and as such is mixed use in nature, it therefore felt it is appropriate to restrict the times of operation as previously outlined.</p>
COMMENCEMENT DATE	This decision takes immediate effect.
RIGHTS OF APPEAL	<p>An appeal may be made against this decision by:</p> <ul style="list-style-type: none"> • the holder of the premises licence • any person that made a relevant representation in relation to the application <p>The appeal and appeal fee must be lodged with the Clerk to Stevenage Magistrates Court no later than twenty-one (21) days after the day on which the parties were notified by the Licensing Authority of this decision.</p>
RIGHTS OF REVIEW	<p>At any stage, following the grant of a premises licence, a responsible authority, such as the Police, or any other person, such as a resident affected by licensable activities at the premises, may apply to the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives. The review is a request for the Council to look at the existing licence and decide whether its conditions are adequate to meet the four licensing objectives defined under the Licensing Act 2003.</p>

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